

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1871 – HB 2174

March 25, 2014

**SUMMARY OF ORIGINAL BILL:** Creates a hearing process before the Bureau of TennCare for a resident of a nursing facility who appeals an involuntary discharge notice. The hearing must be scheduled within 15 days from the date of the appeal and a written decision must be rendered within 60 days from the date of the appeal. Creates a hearing process on an appeal of the Bureau of TennCare's determination that an individual is not financially or medically eligible for nursing facility services.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$105,000

Increase Federal Expenditures - \$105,000

**SUMMARY OF AMENDMENT (015210):** Deletes Section 1 of the bill. Requires a hearing before the Bureau of TennCare for a resident of a nursing facility who appeals an involuntary discharge notice to be conducted and a final order rendered within 90 days of the resident's appeal of the notice. The 90-day period may be extended or continued with consent of both the facility and the resident or by the presiding administrative law judge.

Requires a hearing on an appeal of the Bureau of TennCare's initial determination that an individual is not financially eligible for nursing facility services to be conducted and a final order rendered within 90 days from the date of the individual's appeal. The running of the 90-day period will be tolled pending the outcome of a petition for reconsideration or appeal if a petition is filed prior to the expiration of the 90-day period and the reconsideration is for an initial order or appeal of an order other than a final order. Authorizes the facility to participate in any proceeding or hearing that appeals an initial determination that the individual is not financially or medically eligible.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

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Assumptions for the bill as amended:

- According to the Bureau of TennCare, the level of care appeals for nursing facility applications are currently handled within a 90-day period.
- The provisions of the bill as amended will not significantly alter the current timeframe in which nursing facility appeals occur; therefore, any fiscal impact to the TennCare program will not be significant.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/kml